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SUITE 2010  
SILVER SPRING, MD 20904

**MAILED**

**OCT 28 2010**

**OFFICE OF PETITIONS**

In re Patent No. 6,989,740  
Issue Date: January 24, 2006  
Application No. 10/073,236  
Filed: February 13, 2002  
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed June 7, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

**Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f).** The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lack items (1), (2) and (3) above.

As to item (1), a statement that the delay was unintentional has not been received. A courtesy copy of a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent Form is being mailed with this decision.

As to items (2) and (3), the Office received \$600 on June 7, 2010 with a Maintenance Fee Transmittal Form. However, the 3 ½ year maintenance fee (Small Entity) is \$490 while the Surcharge after expiration is \$1,640. The \$600 is being applied toward the payment of these fees, which leaves a balance

of \$1530. If reconsideration of this decision is filed, petitioner must submitted \$1930 (\$1530 balance and \$400 reconsideration petition fee).

The paper filed June 7, 2010 lists an incorrect Application Number; 10/973,236 i.e., the Office will treat this paper as Application Number as 10/073,236.


Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

Attachment:    A courtesy copy of a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent Form (37 CFR 1.378(c))